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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 VICTOR J. NG, Individually and On Behalf Of
13 All Others Similarly Situated,

14 Plaintiff,

15 v.

16 BERKELEY LIGHTS, INC., ERIC D. HOBBS,
17 SHAUN M. HOLT, and KURT WOOD,

18 Defendants.

No. 4:21-cv-09497-HSG

CLASS ACTION

**STIPULATION AND
SCHEDULING ORDER**

1 Pursuant to Civil Local Rule 7-12, Lead Plaintiff Michael Damelio and Defendants Berkeley
2 Lights, Inc. (“Berkeley Lights”), Eric D. Hobbs, Shaun M. Holt, and Kurt Wood (collectively,
3 “Defendants,” and together with Plaintiff, the “Parties”), by and through their undersigned counsel of
4 record, submit the following stipulation and proposed scheduling order:

5 WHEREAS, on December 8, 2021, Plaintiff Victor J. Ng filed the above-captioned securities
6 fraud class action (the “Complaint,” Dkt. No. 1) asserting claims under the Securities Exchange Act
7 of 1934;

8 WHEREAS, this action is subject to the requirements of the Private Securities Litigation
9 Reform Act of 1995, 15 U.S.C. § 78u–4, Pub. L. No. 104-67, 109 Stat. 737 (1995) (the “Reform Act”),
10 under which discovery is stayed during the pendency of any motion to dismiss, unless otherwise
11 ordered by the Court (15 U.S.C. § 78u-4(b)(3)(B));

12 WHEREAS, on December 28, 2021, counsel for Plaintiff Ng and Defendants entered into a
13 stipulation (the “December 28, 2021 Stipulation,” Dkt. No. 16), agreeing, among other things, that:

- 14 i. Defendants’ time to answer, move, or otherwise respond to any complaint in this
15 action is stayed pending appointment of a lead plaintiff and lead counsel; and
16 ii. Within fourteen (14) days after the entry of an order appointing a lead plaintiff and
17 lead counsel in the action, the lead plaintiff and Defendants shall meet and confer and
18 propose a schedule to the Court for the filing of an amended complaint, or designation
19 of an operative complaint, and the response thereto.

20 WHEREAS, on May 25, 2022, the Court issued an Order, which among other things, appointed
21 Michael Damelio as Lead Plaintiff and Hagens Berman Sobol Shapiro LLP as Lead Counsel in the
22 above-captioned action (the “Lead Plaintiff Order,” Dkt. No. 81);

23 WHEREAS, on May 25, 2022, the Court set the Initial Case Management Conference for this
24 action for June 14, 2022 at 2:00 p.m.;

25 WHEREAS, pursuant to the December 28, 2021 Stipulation and the Lead Plaintiff Order, the
26 Parties have met and conferred and, based on the Parties’ schedules and the complexity of this
27
28

1 securities class action, the Parties have agreed to the schedule set forth below for the filing of Lead
2 Plaintiff's amended complaint and briefing of Defendants' responses thereto.

3 WHEREAS, in light of Plaintiffs' anticipated filing of an amended complaint, Defendants'
4 anticipated filing of a motion to dismiss the claims asserted against them in response to the amended
5 complaint, and the PSLRA's general stay of discovery during the pendency of any motion to dismiss,
6 counsel for the Parties respectfully submit that good cause exists to continue the existing June 14, 2022
7 Initial Case Management Conference and associated deadlines until a date that is convenient for the
8 Court following resolution of the anticipated motion to dismiss.

9 IT IS ACCORDINGLY STIPULATED, pursuant to Civil L.R. 7-12, by and between the
10 undersigned counsel for the Parties, that:

- 11 1. Lead Plaintiff shall file a consolidated amended complaint no later than July 25, 2022;
- 12 2. Defendants' motion to dismiss the amended complaint shall be filed on or before
13 September 23, 2022;
- 14 3. Lead Plaintiff's opposition to Defendants' motion to dismiss the amended complaint
15 shall be filed on or before November 22, 2022;
- 16 4. Defendants' reply in support of their motion to dismiss the amended complaint shall be
17 filed on or before December 22, 2022;
- 18 5. The Initial Case Management Conference scheduled for June 14, 2022 shall be vacated,
19 along with any associated deadlines under the Federal Rules of Civil Procedure and Civil Local Rules,
20 to be reset for a date that is 30 days after the Court rules on Defendants' anticipated motion(s) to
21 dismiss Lead Plaintiff's amended complaint, or such other date as the Court shall determine to be
22 appropriate; and
- 23 6. All associated ADR Program deadlines likewise shall be deferred.

24 IT IS SO STIPULATED.

Dated: May 27, 2022

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Lucas E. Gilmore
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*Attorneys for Lead Plaintiff Michael Damelio
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Dated: May 27, 2022

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CERTIFICATE PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Lucas E. Gilmore, am the ECF User whose identification and password are being used to file this document. Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other signatories.

DATED: May 27, 2022

/s/ Lucas E. Gilmore
LUCAS E. GILMORE (Bar No. 250893)

ORDER GRANTING STIPULATION PURSUANT

TO STIPULATION, IT IS SO ORDERED.

DATED: 5/27/2022


THE HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE